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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,099	02/09/2004	Sebastian Strauss	BMCA9159.389	2098
27062	7590	02/23/2005	EXAMINER	
BOMBARDIER RECREATIONAL PRODUCTS INC. INTELLECTUAL PROPERTY DEPT PO BOX 230 NORTON, VT 05907-0230			KWON, JOHN	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,099

Applicant(s)

STRAUSS, SEBASTIAN

Examiner

John T. Kwon

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 9-22 is/are allowed.
- 6) ☒ Claim(s) 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson (US 5 829 407) in view of Ahern (US 5 209 200). Watson discloses a first zone having an axis of symmetry generally aligned with a cylinder bore, a second zone having an axis of symmetry generally aligned with a fuel spray projection from a fuel injector, and wherein the axis of symmetry of the second zone is skewed and offset from the axis of symmetry of the first zone. However, Watson does not show the use of recesses with angles less than 90 degrees from an intake side of the cylinder. Ahern shows that the provision of an intake at the side of a cylinder is old and well known in the art. Since the prior art references art from the same field of endeavor, the purpose disclosed by Ahern would have been recognized in the pertinent art of Watson. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the device of Watson with the intake side of the cylinder as taught by Ahern. Regarding claimed particular shape and angle of the recesses, it would have been considered to be an obvious choice of mechanical design because one skilled in this art is familiar with basic combustion chambers and normally has the laboratory test facilities.

Art Unit: 3747

To optimize or select the suitable shape and the application would be within the ability of ordinary skilled in this art.

Claims 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson (US 5 829 407) in view of Ogi(US 6 338 327). Watson discloses a first zone having an axis of symmetry generally aligned with a cylinder bore, a second zone having an axis of symmetry generally aligned with a fuel spray projection from a fuel injector, and wherein the axis of symmetry of the second zone is skewed and offset from the axis of symmetry of the first zone. However, Watson does not show the use of recesses with angles less than 90 degrees from an intake side of the cylinder. Ogi shows that the provision of an intake at the side of a cylinder is old and well known in the art. Since the prior art references art from the same field of endeavor, the purpose disclosed by Ogi would have been recognized in the pertinent art of Watson. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the device of Watson with the intake side of the cylinder as taught by Ogi. Regarding claimed particular shape and angle of the recesses, it would have been considered to be an obvious choice of mechanical design because one skilled in this art is familiar with basic combustion chambers and normally has the laboratory test facilities. To optimize or select the suitable shape and the application would be within the ability of ordinary skilled in this art.

Allowable Subject Matter

Claims 1-7 and 9-22 are allowed.

Response to Arguments

Applicant's arguments filed December 20, 2004 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

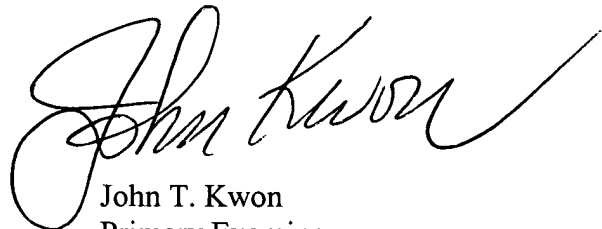
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John T. Kwon whose telephone number is (571) 272-4846. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3747

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "John Kwon", with a stylized, flowing script.

John T. Kwon
Primary Examiner
Art Unit 3747

February 18, 2005